

A-6475
Variance Request

Construct a front stoop with two (2) treads that would encroach a maximum of five feet, two inches (5'-2") forward of the twenty-five (25) foot front building restriction line.

Mr. J. Michael McGarry & Ms. Carol L. McGarry
24 West Kirke Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JANUARY 13, 2014 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 1/7/2014
SUBJECT: HEARING OF CASE NO. A-6475 VARIANCE REQUEST
MR. J. MICHAEL MCGARRY AND MS. CAROL L. MCGARRY, 24 WEST KIRKE STREET
CONSTRUCT A FRONT STOOP AND TWO (2) TREADS THAT WOULD ENCROACH A MAXIMUM OF FIVE
FEET, TWO INCHES (5'-2") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING
RESTRICTION LINE.

Case Synopsis: The proposed uncovered stoop and treads are part of an ongoing renovation at the property. The existing house has no stoop; the front door opens to three (3) treads, which encroach approximately three (3) feet forward of the twenty-five (25) foot front building restriction line. The property is in the Chevy Chase Village (CCV) Historic District and the Applicants have obtained Historic Preservation Commission (HPC) approval for the proposed new stoop and treads.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The property is on the south side of West Kirke Street and is located in the CCV Historic District. The Applicants have obtained Historic Preservation Commission (HPC) approval for the proposed work.

The proposed work is part of an addition, renovation and landscape rejuvenation plan at the property all remaining aspects of which, as proposed, are compliant with applicable Village building regulations.

According to current Montgomery County building regulations, it is required for safety purposes to have a stoop outside of an exterior door:

R311.3 Floors and landings at exterior doors.

There shall be a landing or floor on each side of each exterior door. The width of

each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Thus the current egress does not comply with the County code.



Figure 1: View of 24 West Kirke Street. The encroachment of the existing treads is about three (3) feet. The new stoop and treads would encroach a maximum of five feet, two inches (5'-2") forward of the front BRL.

The total maximum encroachment of the proposed stoop and treads is five feet, two inches (5'-2") forward of the front BRL. The existing treads encroach three (3) feet forward of the BRL. Thus the total increase in the encroachment is two feet, two inches (2'-2").

In previous cases involving covenant setbacks and front building line restrictions, the Board has found that the covenants were not enforceable in the following circumstances (the "bold" examples are applicable to this case):

- 1) Where uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house, and which steps and stoops are the minimum necessary to provide reasonable access, these steps and stoops are not considered structures for the purposes of the covenants.
- 2) When uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, it was presumed that the covenant authors did not intend those protrusions to be classified as "structures" for the purposes of the covenants.
- 3) Where a large percentage of properties on the same block had encroachments or projections of a certain type forward of the front building and covenant restriction line it was presumed that the covenant authors did not intend those encroachments or protrusions to be classified as "structures" for the purposes of the covenants.

4) When the proposed encroachment does not expand an existing encroachment.

To date there have been no letters received from abutting neighbors in support of or opposition to the stoop and treads request.

The Village arborist has assessed the property. There is tree protection already in place for the ongoing renovation at the property. Construction of the stoop and treads as well as a new walkway can be accommodated through a Tree Protection Plan.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300; TOTAL: \$330.

RELEVANT PRECEDENTS:

Recent precedents for uncovered stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were **granted a variance to extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit “any stable, carriage houses or shed” forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting “structure[s] of any description” forward of that setback. In

December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **granted a variance to enlarge** a non-conforming uncovered stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In January of 2011 the same applicants were **denied a variance to construct** a portico over the previously approved stoop and steps. In January of 2011, Ms.

Joanne Kyros and Mr. Thomas Schaufelberger were granted multiple variances to extend existing encroachments in the west (side) yard of their property pertaining to an addition as well as **granted a variance to construct** an uncovered stoop with three treads that would encroach five (5) feet forward of the front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. The applicants were **denied permission to construct** a roof over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were **granted a variance to expand** their uncovered

front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were **granted a variance to relocate and construct** non-conforming uncovered front steps, leading to a covered porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") forward of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were **granted a variance to reconstruct** the uncovered front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were **granted a variance to reconstruct** the uncovered front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Dr. & Mrs. Jeffrey Shuren were **granted a variance to reconstruct** uncovered steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'-8") forward of the twenty-five (25) foot front building restriction line. On December 10, 2012 the Chevy Chase Village Board of Managers **considered** the request of Mr. & Mrs. Steven Sprenger of 5501 Park Street for a **variance to construct** uncovered treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. A motion to approve the request for a variance failed; therefore, construction of the proposed treads was **denied** per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March 2013, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were **granted a variance to reconfigure** a pair of existing (uncovered) front steps that would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance to construct** a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. & Mrs. Peter Wellington of 18 West Lenox Street

were **granted a variance to reconstruct** the uncovered front stoop with three treads, including one new additional tread that would encroach a maximum of nine (9) feet. In July 2013, Mr. Christopher Erckert and Mr. Christopher Sperl were **granted a variance to modify** an existing uncovered stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line. In September 2013 Ms. Joanne Kyros and Mr. Thomas Schaufelberger were **granted a variance to reconstruct** an uncovered front stoop and treads, adding an additional tread, that would encroach a maximum of six feet, two inches (6'-2") forward of the twenty five (25) foot front building restriction line. In November of 2013 Mr. Sean F. X. Boland of 4 East Lenox Street was **granted a variance to reconstruct a front stoop and treads** as well as a portico over the proposed stoop. In that case there was no covenant conflict and the majority of the properties on the subject block of East Lenox Street also had encroachments forward of the twenty five (25) foot front BRL.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request on the basis that the evidence presented, including the staff report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 13th day of January, 2014 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6475- amended
MR. J. MICHAEL MCGARRY & MS. CAROL L. MCGARRY
24 WEST KIRKE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct a front stoop with two (2) treads that would encroach a maximum of five feet, two inches (5'-2") forward of the twenty-five (25) foot front building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 30th day of December, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6475

MR. & MRS. J. MICHAEL MCGARRY
24 WEST KIRKE STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Bryan Anderson Or Current Resident 29 West Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. Thomas Dann Or Current Resident 27 West Kirke Street Chevy Chase, MD 20815
Mr. & Mrs. C. Benjamin Crisman Or Current Resident 20 West Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. Richard Leach Or Current Resident 26 West Kirke Street Chevy Chase, MD 20815
Mr. & Mrs. Aaron Kramer Or Current Resident 27 West Irving Street Chevy Chase, MD 20815	Mr. & Mrs. Brendan Babbington Or Current Resident 25 West Irving Street Chevy Chase, MD 20815
Ms. Margot S. Humphrey Or Current Resident 25 West Kirke Street Chevy Chase, MD 20815	



I hereby certify that a public notice was emailed (where possible) and mailed to the
aforementioned property owners on the 30th day of December, 2013.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

CHEVY CHASE VILLAGE

ESTABLISHED 1890

December 30, 2013

Mr. & Mrs. Michael McGarry
6409 Kennedy Drive
Chevy Chase, MD 20815

Dear Mr. & Mrs. McGarry:

Please note that your request for a variance to expand the stoop and treads at your property is scheduled before the Board of Managers on Monday, January 13, 2014 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a variance to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

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SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUFLEN M. FERGUSON

Chevy Chase Village Building Permit Application

Permit No: 6475

Property Address: 24 West Kirke Street, Chevy Chase, MD. 20815	
Resident Name: Michael and Carol McGarry	
Daytime telephone: 301-219-4700	Cell phone: 301-219-4700
After-hours telephone: 301-219-4700	
E-mail: carolluree@gmail.com	
Project Description: CONSTRUCT NEW STOOP & TREADS ENTRY. Renovate and improve site landscape and hardscape. Work includes replacing existing asphalt drive with new exposed aggregate concrete drive and Bluestone pavers, removing masonry terrace and storage shed and replanting yard. Work also includes new stone terrace. Overall hardscape area is reduced.	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project: <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner): Name: Alec Cholok Work telephone: 301-651-7252 After-hours telephone: 301-651-7252 Cell phone: 301-651-7252 E-mail: ACholok@hotmail.com	
Will the residence be occupied during the construction project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:	
Parking Compliance: Is adequate on-site parking available for the construction crews? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

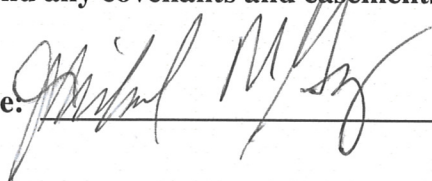
Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:



Date:

12-22-13

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials:

ES

Date application filed with Village: 12/23/13

Date permit issued: _____

Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> DENIED DEC 23 2013 Chevy Chase Village Manager </div>	<i>Thomas Dier</i> The proposed steps and trends encroach forward of the 25' B.R.L.

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30.00</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>previously amended</i> <input type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30.00</u>	
Date: <u>12/23/13</u> Staff Signature: <i>[Signature]</i>	

Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 24 West Kirke Street, Chevy Chase, MD 20815	
Describe the Proposed Project: Existing concrete stoop/steps, which currently extend into front yard setback, is deteriorated and has settled. The proposed project will replace these steps with a new bluestone on concrete landing, steps and paved walk. The new landing will be of modest dimension only as required to provide a code compliant landing at the existing enclosed vestibule. The new stoop and steps will not alter the the flow of light or air at the property nor diminish the neighbor's use and enjoyment of their property	
Applicant Name(s) (List all property owners): CAROL & MICHAEL MCGARREY	
Daytime telephone: 301-219-4700	Cell: 301-219-4700
E-mail: carolluree@gmail.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 12/27/13	Variance No: A-6475

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 12/26/13

Applicant's Signature: [Signature]

Date: 12/26/13

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The existing concrete steps currently extend approximately 3' into the existing setback. The steps are deteriorated and have settled. The lack of a landing and uneven steps are dangerous, unsightly and do not meet code. The new steps will provide a landing and new steps paved with Bluestone pavers. The landing will be 3'-6" deep - a modest dimension allowing for a safe platform at the existing entry vestibule. The new steps will extend into the setback an additional 3'-0" to allow for the landing. The steps will not alter the flow of light or air to the house nor diminish the neighbor's use of their property. The overall hard surface will be reduced from over 40% to approximately 25%. Extensive plantings will be provided and a new 500 gallon water runoff retention tank will be installed in the rear yard

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

The existing steps, which also extend into the front yard setback are extremely dangerous. The steps do not provide a landing at the entry door and they have settled to the extent that risers are uneven, of different heights and are not level.

The proposed steps will be upgraded in appearance more in keeping with the overall quality of the neighborhood. They will be paved with Bluestone pavers. The treads and risers will meet current codes for dimensions and will provide a reasonable and safe landing at the top- in front of the entry door.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

The steps have been designed to provide a safe, code compliant access to the house entry with the minimum possible intrusion into the front yard setback.

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

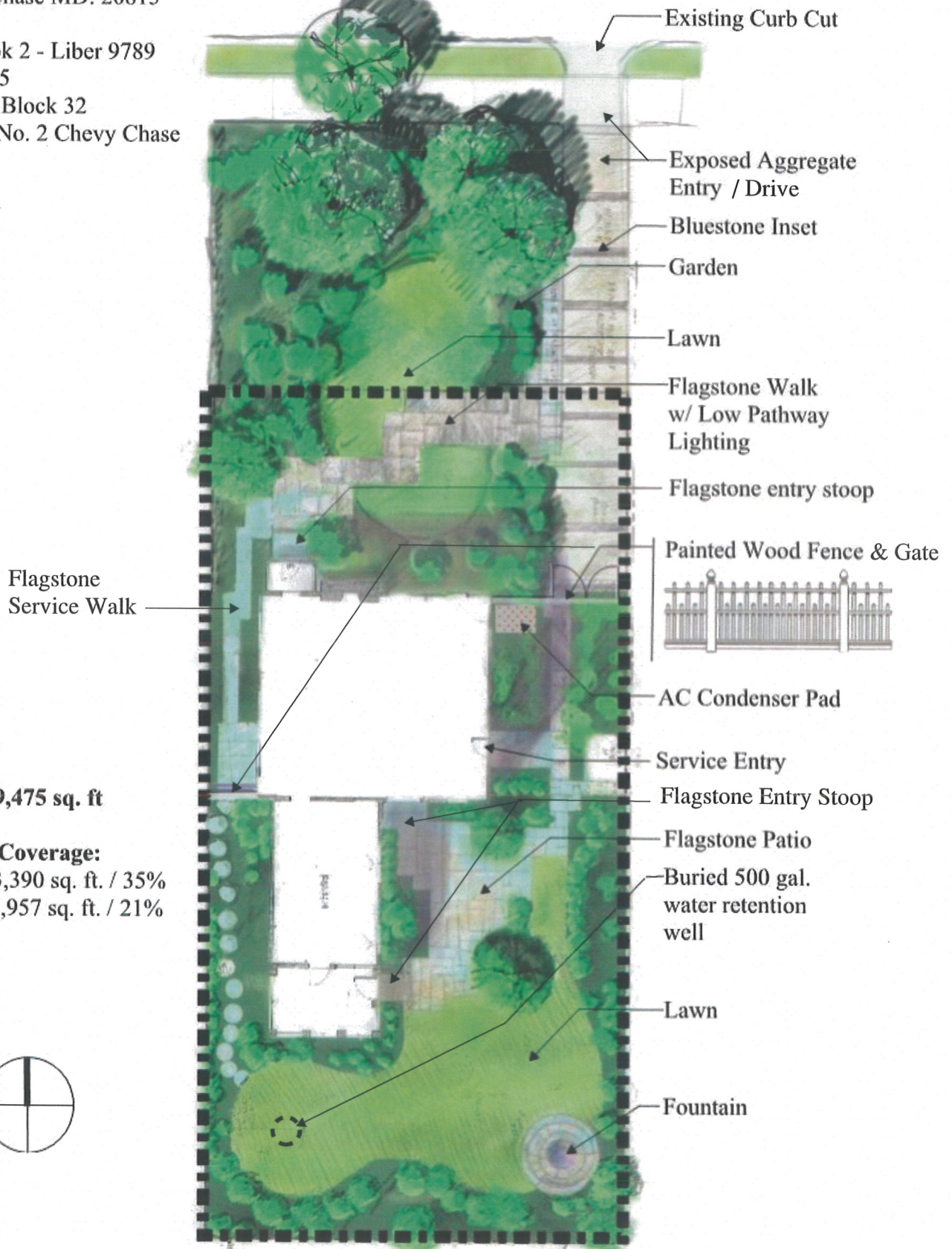
Variance Filing Fee	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00	Date Paid: 12/27/13 Staff Signature: <i>[Signature]</i>
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

Site Plan

24 W. Kirke St.
Chevy Chase MD. 20815

Plat Book 2 - Liber 9789
Folio 135
Lot 13 - Block 32
Section No. 2 Chevy Chase

West Kirke Street



Lot Area: 9,475 sq. ft

Hardscape Coverage:

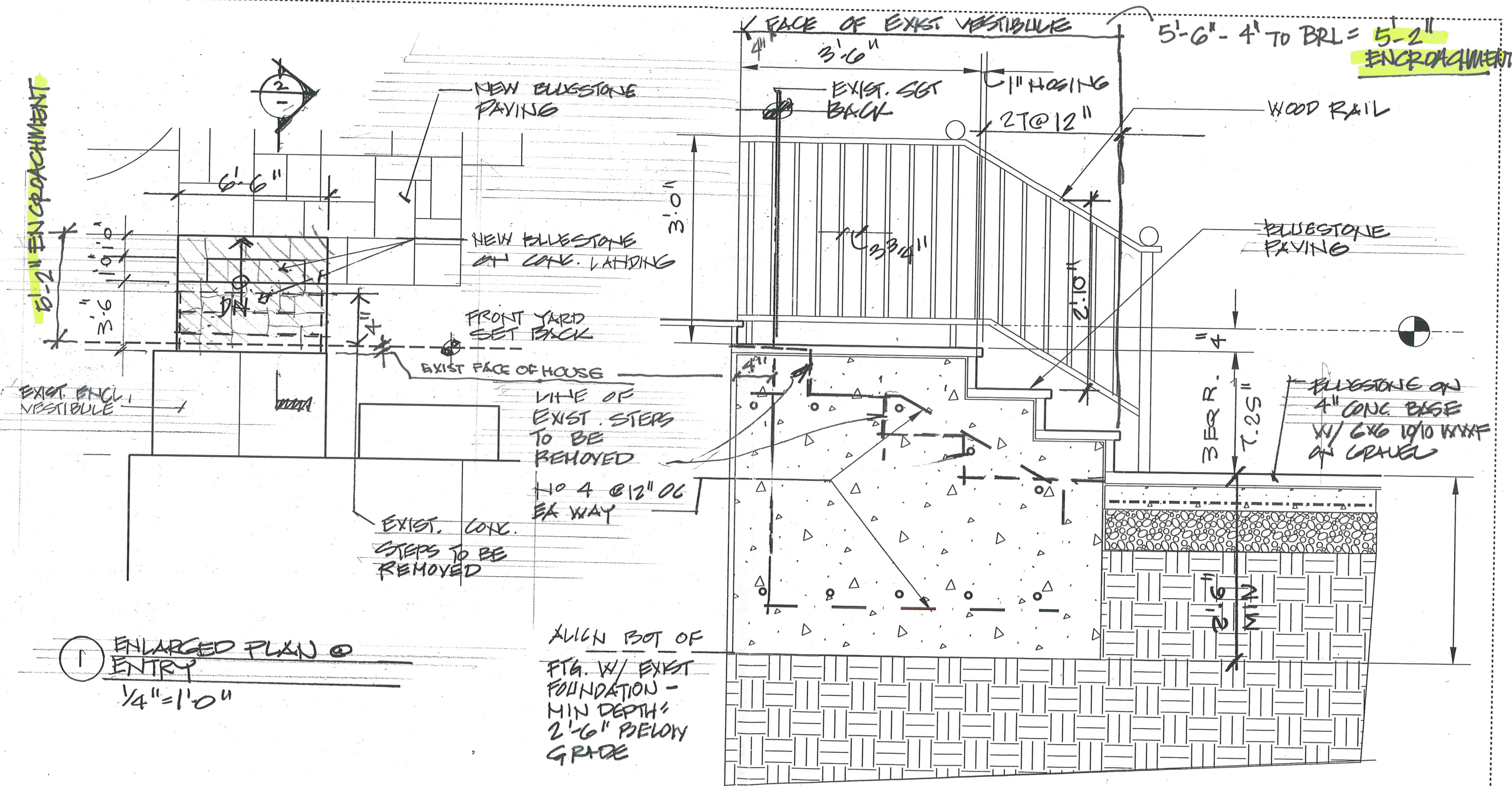
Existing: 3,390 sq. ft. / 35%
Proposed: 1,957 sq. ft. / 21%



Applicant: Carol & Michael McGarry

Proposed site / Landscape Plan
24 West Kirke Street

5'-2" ENCROACHMENT

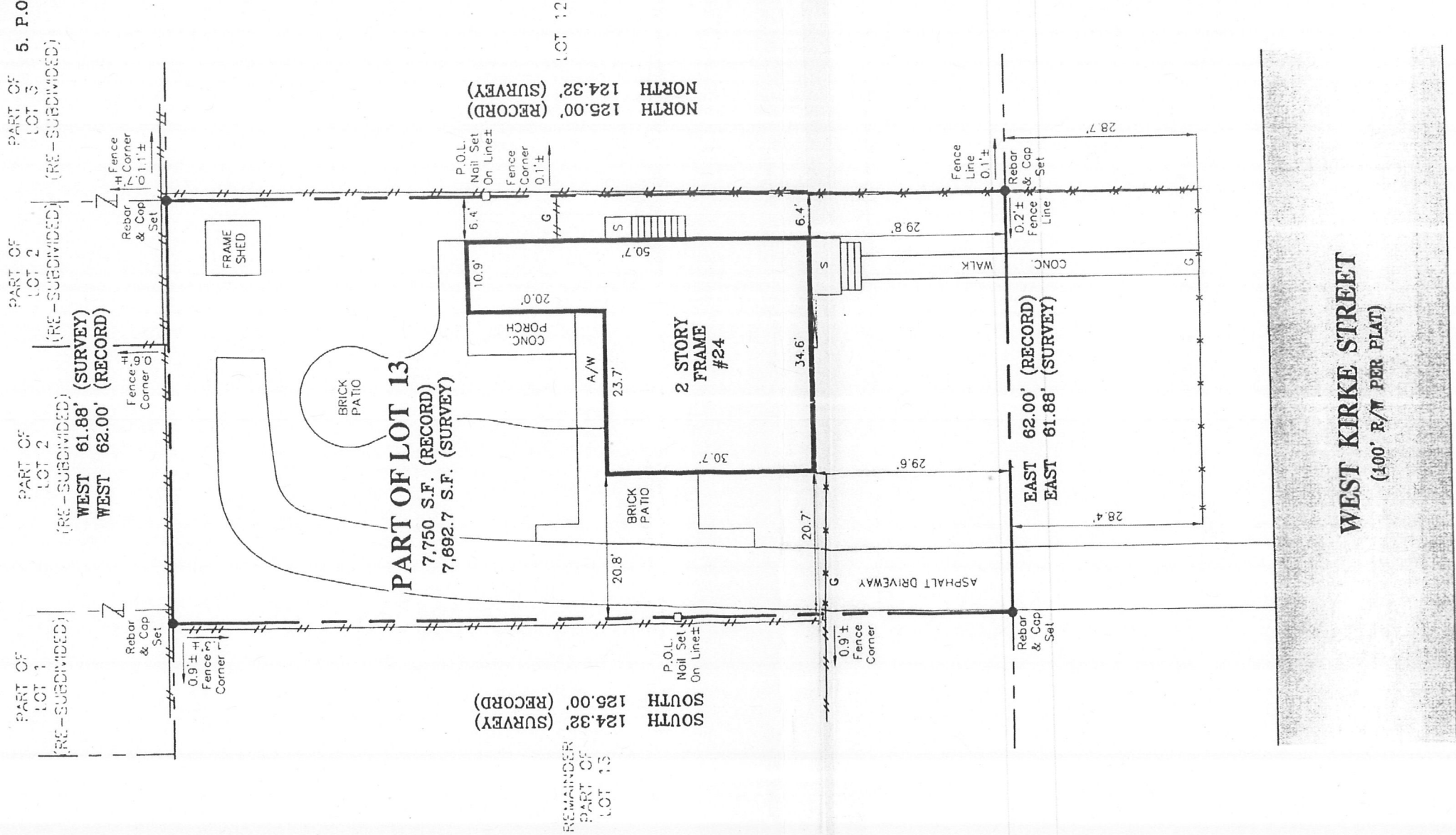


MCGARRY RESIDENCE

REQUEST FOR VARIANCE - 26 DEC. 2013

1. Property shown in Montgomery County Tax Assessment Map Book page HN-41.
2. All property corners have been recovered or set and verified per field survey performed: October 25, 2012.
3. Property is recorded among the land records of Montgomery County in Plat Book 2, Plat No. 106 and Described in Liber 9789 at Folio 135.
4. The information shown hereon has been prepared without benefit of a title report, and therefore may not reflect all easements or encumbrances which may affect subject property.

5. P.O.L. indicates a nail set on the property line.



P.B. 2, P. 106




PLAT OF SURVEY
PART OF LOT 13, BLOCK 32
SECTION No.2
CHEVY CHASE
MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

"I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD SURVEY PURSUANT TO THE DEED OR PLAT OF RECORD. PROPERTY MARKERS HAVE BEEN RECOVERED OR PLACED IN ACCORDANCE WITH THE INFORMATION SHOWN. THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED WAS PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REGULATIONS GOVERNING LAND SURVEYING IN THE STATE OF MARYLAND."

Joseph E. Snider
MARYLAND PROFESSIONAL LAND SURVEYOR REG. NO. 21229
Expires: 01-19-2013

REFERENCES			DATE OF LOCATIONS	WALL CHECK:	HSE. LOC.:	PROP. CORRS.:	SCALE: 1" = 20'
PLAT BK.	2						
LIBER	9789						
FOLIO	135						

SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100 Fax 301/948-1286		DRAWN BY: J.M.		JOB NO.: 12-04233	
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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R Schwartz Jones
Director

BUILDING PERMIT

Issue Date: 12/23/2013

Permit No: 658602
AP Type: BUILDING
Expires: 12/23/2014
X Ref.:
Rev. No:
ID: 1221904

THIS IS TO CERTIFY THAT: CAROL AND MICHAEL MCGARRY
24 W KIRKE ST
CHEVY CHASE, MD 20815

HAS PERMISSION TO: ALTER SINGLE FAMILY DWELLING

PERMIT CONDITIONS: REPLACING EXISTING FRONT STEPS AND 6' FENCE

MODEL NAME:

PREMISE ADDRESS: 24 W KIRKE ST
CHEVY CHASE, MD 20815-4261

LOT - BLOCK: P13 - 32

ZONE: R-60

ELECTION DISTRICT: 07

BOND NO.:

BOND TYPE:

PERMIT FEE: \$ 463.89

SUBDIVISION: CHEVY CHASE SEC 2

PS NUMBER:

TRANSPORTATION IMPACT TAX DUE:
SCHOOLS IMPACT TAX DUE:
SCHOOLS FACILITY PAYMENT DUE:

MUST BE KEPT AT JOB SITE

AN APPROVED FINAL INSPECTION IS REQUIRED PRIOR TO USE OR OCCUPANCY

Every new one- or two-family dwelling, *every townhouse* and any *attached accessory structure* must be equipped with a *fire sprinkler system*. A separate sprinkler permit is required for the installation of the fire sprinkler system.

Many subdivisions and neighborhoods within Montgomery County have private deed restrictions and covenants regulating building construction. Obtaining a building permit does not relieve the property owner of responsibility for complying with applicable covenants.

NOTICE

THIS APPROVAL DOES NOT
INCLUDE PLUMBING, GAS PIPING
OR ELECTRICAL OR
CONSTRUCTION IN ANY
DEDICATED RIGHT-OF-WAY.

NOTE

THIS PERMIT DOES NOT INCLUDE
APPROVAL FOR ANY ELECTRICAL
WORK. YOU MUST HAVE A SEPARATE
ELECTRICAL PERMIT TO DO ANY
ELECTRICAL WORK.

Director, Department of Permitting Services



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R Schwartz Jones
Director

HISTORIC AREA WORK PERMIT

Issue Date: 12/23/2013

Permit No: 654568
Expires: 12/24/2014
X Ref.:
Rev. No:
ID: 1219726

Approved With Conditions

THIS IS TO CERTIFY THAT: MICHAEL AND CAROL MCGARRY
24 W KIRKE ST
CHEVY CHASE, MD 20815

HAS PERMISSION TO: CONSTRUCT

PERMIT CONDITIONS: FENCE 4FT, DRIVEWAY, FRONT STOOP, FRONT WALK REAT BRICK PATIO

PREMISE ADDRESS: 24 W KIRKE ST
CHEVY CHASE, MD 20815-4261

LOT - BLOCK: P13 - 32

ZONE: R-60

ELECTION DISTRICT: 07

BOND NO.:

BOND TYPE:

PS NUMBER:

PERMIT FEE:

SUBDIVISION: CHEVY CHASE SEC 2

HISTORIC MASTER: N
HISTORIC ATLAS: N

**HISTORIC APPROVAL ONLY
BUILDING PERMIT REQUIRED**

Director, Department of Permitting Services

I, Albert W. Sioussa, a Notary Public, in and for the said District of Columbia, do hereby certify that Harold E. Doyle, who is personally well known to me to be the person named as Attorney in fact in the foregoing and annexed deed, dated the 14th day of October, 1913, to acknowledge the same, personally appeared before me in the said District of Columbia, and as attorney in fact as aforesaid and by virtue of the power and authority in him vested by the aforesaid deed, acknowledged the same to be the act and deed of the said Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 17th day of October, A.D. 1913.

Albert W. Sioussa,
Notary Public,
District of
Columbia.

Albert W. Sioussa,
Notary Public, D.C.

My Commission expires May 13, 1918.

EXAMINED

*Mailed to
Thos J. Fisher
Wash. D.C.
Nov. 27/1913
Terline*

At the request of Morgan W. Wickersham, the following deed was recorded October 18th, A. D. 1913, at 9.00 o'clock A.M. to wit:-

This Deed, Made this 30th day of September, in the year one thousand nine hundred and thirteen, by and between The Chevy Chase Land Company, of Montgomery County, Maryland, a Corporation duly organized under and by virtue of the laws of the State of Maryland, party of the first part, Morgan W. Wickersham, of the District of Columbia, party of the second part:

Witnesseth: That the said party of the first part, for and in consideration of the sum of two thousand, (2000) Dollars, to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part, as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:- The West 60 (Sixty) feet front on Kirke Street, by the full depth thereof, of lot numbered (13) in block numbered thirty two, (32) in Section two (2) Chevy Chase, a Subdivision made by the Chevy Chase Land Company of Montgomery County, Maryland, as per plat of said subdivision recorded in Plat Book No. 2, page 106, of the Land Records of Montgomery County, Maryland, said plat of subdivision being a re-record of the plat of subdivision recorded among said Land Records in Liber J.A. No. 36, folio 61, described by metes and bounds, as follows; to wit:- Beginning for the same at the North west corner of said lot and running thence South along the west line of said lot one hundred and twenty five (125) feet to the rear line of said lot, thence East along said rear line, sixty (60) feet; thence North and parallel with the West line of said lot, one hundred and twenty five (125) feet to Kirke street; thence West along said street sixty (60) feet to the place of beginning.

To Have and to Hold the said land and premises, with the improvements, ease-

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ments and appurtenances, unto and to the use of the said party of the second part, his heirs and assigns, in fee simple.

In consideration of the execution of this deed, the said party of the second part, for himself and for his heirs and assigns, hereby covenants and agrees, with the party of the first part, its successors and assigns, (such covenants and agreements to run with the land), as follows, viz:-

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description of any description shall be erected within twenty five (25) feet of the front line of said premises; and that no stable, carriage house, or shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue or parkway shall be considered a front line.

3. That no house shall be erected on said premises, at a cost less than thirty five hundred dollars, (\$5000).

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within ten (10) feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined, and the same enforced at the suit of The Chevy Chase Land Company of Montgomery County, Maryland, its successors and assigns, (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the subdivision of which the land hereby conveyed, forms a part.)

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said the Chevy Chase Land Company of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stellwagen, Its Vice President, attested by Edson B. Olds, its Assistant Secretary, and its Corporate seal to be hereunto affixed, and does hereby constitute and appoint Harold E. Doyle, its true and lawful attorney in fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer authorized to take such acknowledgements and to deliver the same as such.

Chevy Chase to
Great Falls,
Land Corporation
Montg. Co. Md.

The Chevy Chase Land Company of
Montgomery County, Maryland.

By Edward J. Stellwagen,

Vice President.

Attest: Edward B. Olds,

Assistant Secretary.

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Chevy Chase Village

Website Posting Notice

for Appeal, Special Permit & Variance Hearings

Case Number: A-6475

Hearing Date: 1/13/14

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: Carol & Michael Mc Garry

Address:

24 West Kirkco St

Telephone:

E-mail:

Applicant/Appellant Signature: Carol L. Mc Garry

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: ES

Date: 12/23/13